

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of

Amendment of Section 73.202(b),
Table of Allotments,
FM Broadcast Stations
(Chillicothe, Dublin, Hillsboro, and
Marion, Ohio)

MB Docket No. 02-266
RM-10557

REPORT AND ORDER

Adopted: March 23, 2005

Released: March 25, 2005

By the Assistant Chief, Audio Division, Media Bureau:

1. The Audio Division has before it: (1) a *Notice of Proposed Rule Making*¹ issued at the joint request of Citicasters Licenses, Inc., licensee of Station WMRN-FM, Marion, Ohio, and Citicasters Company, licensee of Station WSRW-FM, Hillsboro, Ohio (collectively, "Citicasters")²; (2) supporting comments filed by Citicasters; (3) opposing comments filed by the Committee for Competitive Columbus Radio ("Committee"),³ Infinity Broadcasting Operations, Inc. ("Infinity"),⁴ and Sandyworld, Inc. ("Sandyworld"); (4) reply comments filed by Citicasters, the Committee, and Infinity; and (5) other related pleadings.⁵ No counterproposals were filed.

BACKGROUND

2. At the request of Citicasters, the *NPRM* proposed the reallocation, downgrade, and change of community of license for its Station WMRN-FM, from Channel 295B at Marion, Ohio, to Channel 294B1 at Dublin, Ohio, pursuant to the provisions of Section 1.420(i) of the Commission's

¹ *Chillicothe, Dublin, Hillsboro, and Marion, Ohio*, 17 FCC Rcd 16345 (MB 2002) ("NPRM").

² Citicasters Licenses, Inc. and Citicasters Company are indirect wholly owned subsidiaries of Clear Channel Communications, Inc.

³ The Committee includes the following Columbus area broadcasters: North American Broadcasting Co., Inc., licensee of Stations WBZX(FM) and WMNI(AM), Columbus, Ohio, and WEGE(FM), Westerville, Ohio; WCLT Radio, Inc., licensee of WCLT-AM-FM, Newark, Ohio; Associated Radio, Inc., licensee of WSMZ-FM, Johnstown, Ohio, and WODB-FM, Delaware, Ohio; and Franklin Communications, Inc., licensee of WVKO(AM) and WSNY(FM), Columbus, Ohio.

⁴ Infinity is the licensee of Stations WAZU(FM), WHOK-FM, and WLTV(FM), Columbus, Ohio.

⁵ On October 18, 2002, Sandyworld filed a motion for extension of time to submit comments but subsequently withdrew its motion on October 29, 2002. On October 22, 2002, Citicasters filed a motion for leave to file late comments; and the Committee filed an opposition to Citicasters' motion for late acceptance. After the pleading cycle ended, the Committee filed a motion for leave to supplement its comments and a supplement on July 22, 2003. Thereafter, Citicasters filed a motion to accept to accept supplement and a supplement on September 5, 2003, and the Committee filed a response to supplement of Citicasters on September 15, 2003. See *infra* at paras 6-7.

Rules.⁶ The *NPRM* stated that this proposal could result in a preferential arrangement of allotments consistent with the FM allotment priorities⁷ because Dublin (population 31,392) would have its first local aural transmission service while Marion (population 35,318) would retain three local services. Further, the *NPRM* noted that Citicasters had submitted a *Tuck*⁸ showing, seeking to demonstrate that Dublin is sufficiently independent of the Columbus, Ohio, Urbanized Area to merit a first local service. The *Tuck* showing was submitted because Dublin is located within the Columbus, Urbanized Area and because, at the proposed transmitter site, Station WMRN-FM will place a city-grade (70 dBu) signal over 71 percent of the Columbus Urbanized Area. To accommodate the relocation of Station WMRN-FM to Dublin, Citicasters also proposed to reallocate and downgrade its Station WSRW-FM, from Channel 294B at Hillsboro, Ohio, to Channel 293A at Chillicothe, Ohio. For the reasons set forth below, we will grant the reallocations, downgrades, and changes of community of license for Stations WMRN-FM and WSRW-FM as proposed in the *NPRM*.

DISCUSSION

Procedural Issues

3. As a threshold matter, Citicasters requests leave to file its comments in response to the *NPRM* one day late,⁹ contending that the Commission has exercised its discretion to accept late filed comments where there is no adverse impact on any other proposal.¹⁰ Although oppositions were filed by the Committee, Infinity, and Sandyworld, Citicasters asserts that no counterproposals or other mutually exclusive proposals were filed in response to the *NPRM* that would be prejudiced by acceptance of its comments. Further, Citicasters argues that the comments merely restate its interest in applying for and constructing modified facilities for two new communities of license and that acceptance of this pleading would not prejudice the oppositions because such a filing by Citicasters was reasonably expected.

4. In its opposition to motion for leave to file late comments, the Committee argues that the *NPRM* in this proceeding put Citicasters on notice that, as the proponent of a proposed allotment, it was required to file comments, restating its interest in applying for the channel if it is allotted. The Committee recognizes that the Commission has a general policy of accepting late-filed comments where a proceeding is uncontested, but in contested proceedings like the instant one, the Committee argues that late-filed comments are generally rejected, except in extraordinary circumstances. Both the Committee and Infinity¹¹ assert that Citicasters' late filed expression of interest should not be considered because this is a contested proceeding. The Committee also contends that Citicasters has not set forth a special circumstance to justify acceptance of the comments.

5. We will accept Citicasters' late filed comments. Commission policy is not to consider an untimely filed expression of interest in an allotment where acceptance would cause an adverse impact on

⁶ This rule permits the modification of a station's authorization to specify a new community of license without affording other interested parties an opportunity to file competing expressions of interest.

⁷ The FM allotment priorities are (1) first fulltime aural service; (2) second fulltime aural service; (3) first local service; and (4) other public interest matters. [Co-equal weight is given to priorities (2) and (3).] See *Revision of FM Assignment Policies and Procedures*, 90 FCC 2d 88 (1982).

⁸ *Faye and Richard Tuck*, 3 FCC Rcd 5374 (1988).

⁹ The *NPRM* set forth a deadline of October 21, 2002, for filing comments, and Citicasters filed its comments on October 22, 2002. Citicasters states that the comments were ready for filing on October 21, 2002 but were not delivered to the Commission on time due to an inadvertent error.

¹⁰ See Citicasters' motion for leave to file late comments at 1-2 n.1.

¹¹ Reply comments of Infinity at 1.

a competing proposal.¹² Although oppositions were filed, Citicasters' comments can be considered because no counterproposals or other mutually exclusive proposals were filed that would be prejudiced by acceptance of Citicasters' comments. Further, we have accepted late filed comments by rulemaking proponents, restating their intention to apply for the proposed channels where there were comments opposing the proposed allotments.¹³ Acceptance was permitted in those cases because, as in the instant proceeding, there were no mutually exclusive proposals pending that would be prejudiced and because the opposing comments would be considered in the context of the proceeding. Finally, contrary to the Committee's assertions, a rulemaking proponent seeking acceptance of a late filed expression of interest is not required to make a showing of special circumstances in addition to demonstrating a lack of prejudice to a competing proposal.

6. As an additional procedural matter, both Citicasters and the Committee request acceptance of supplements to their comments filed after the pleading cycle ended in order to take into account changes in the Commission's multiple ownership rules that have occurred during the pendency of this proceeding. We will accept these supplements, as well as a response to Citicasters' supplement filed by the Committee. Acceptance of these pleadings will not prejudice any of the parties.

Citicasters' Proposed Reallotments

7. The Committee, Infinity, and Sandyworld raise several objections to Citicasters' proposal. First, they argue that the reallotment of Station WMRN-FM to Dublin should not be treated as a first local service because Citicasters' *Tuck* showing does not demonstrate that Dublin is sufficiently independent of the central city of the Columbus, Ohio, Urbanized Area. Specifically, they contend that the vast majority of Dublin residents work outside of Dublin, that Dublin does not have its own telephone directory or fire department, and that Dublin and Columbus are part of the same advertising market. Second, Infinity notes that travelers' information service station WNX474 operates on AM frequency 1610 kHz in Dublin, providing that community with local news and information, and that the existence of this local radio service should weigh strongly against Citicasters' proposal. Third, Sandyworld argues that the reallotment of Station WMRN-FM to Dublin will require Sandyworld's FM translator W294AH, Columbus, Ohio, to cease operations, depriving its many listeners of its service. Fourth, the opponents argue that Citicasters' proposed downgrades will create extensive area and population coverage losses. Finally, the opponents argue that Citicasters' proposed reallotment of Station WMRN-FM to Dublin should be denied because it is concurrent move of Station WSRW-FM from Hillsboro to Chillicothe will not result in a preferential arrangement of allotments. They contend that the proposal would leave Hillsboro (population 6,386) with daytime-only Station WSRW(AM) while Chillicothe (population 21,796) would have an eighth radio station.

8. In its reply comments, Citicasters argues that the relocation of Station WMNR-FM would further Priority 3 because Dublin (population 31,392) would receive a first local service while none of the other issues raised by the opponents rise above Priority 4, other public interest matters. Specifically, Citicasters argues that Dublin is independent from Columbus and deserves a first local service preference because a majority of the *Tuck* factors are present. It also contends that a travelers' information service station is not a local service for allotment purposes and the Commission has not treated the potential loss of an FM translator as a Priority 4 factor. Further, while Citicasters recognizes both reallotments will result in loss areas, Citicasters contends that this is acceptable because neither proposed relocation will leave any unserved or underserved areas. Lastly, contrary to Infinity's allegations, Citicasters contends

¹² See, e.g., *Woodville and Liberty, Mississippi*, 11 FCC Rcd 4712, 4712-13 n.7 (MMB 1996), citing *Amor Family Broadcasting Group v. FCC*, 918 F.2d 960 (D.C. Cir. 1990); and *Willows, California*, 11 FCC Rcd 9180, 9180 n.3 (MMB 1996).

¹³ See *Woodville and Liberty, Mississippi*, 11 FCC Rcd at 4712-13 n.7; *Willows, California*, 11 FCC Rcd at 9180 n.3; and *Bagdad and Chino Valley, Arizona*, 11 FCC Rcd 14459, 14459 n.3 (MMB 1996).

that it is not necessary that each of the proposed station relocations trigger a higher allotment priority. Rather, Citicasters argues that the relocation of Station WSRW-FM from Hillsboro to Chillicothe must be considered together with the relocation of Station WMRN-FM from Marion to Dublin and that the proper comparison in this evaluation is a first local service to Dublin (population 31,392) versus a third local service at Marion (population 35,318) and a second local service at Hillsboro (population 6,368). Viewed in this light, Citicasters contends that its proposal will result in a preferential arrangements of allotments by furthering Priority 3 of the Commission's allotment priorities.

9. At the outset, the Commission has found that all of the *Tuck* factors¹⁴ need not favor a reallocation proponent; rather, a majority of the factors must be present, demonstrating that the specified community is distinct from the Urbanized Area.¹⁵ A review of Citicasters' *Tuck* showing¹⁶ reveals that a majority of the eight factors are present, justifying a finding that Dublin is sufficiently independent of Columbus to warrant a first local service. Specifically, Dublin has three local newspapers, factor 2;¹⁷ community leaders and residents perceive themselves as separate from Columbus, factor 3; Dublin has 2500 local businesses, many churches and civic organizations, and numerous health care facilities, factor 6; Dublin has a local government and elected officials, factor 4; and Dublin has its own school system with 16 public schools, employing 1500 individuals, a police department, and parks, factor 8. Further, the fact that 24 percent of the residents of Dublin work in Dublin is sufficient for a favorable finding on the extent to which the community residents work in the larger metropolitan area rather than the specified community, factor one.¹⁸ One other factor is partially present. Dublin has its own zip code but no telephone directory, factor 5.¹⁹

10. Next, we disagree with Infinity's argument that each of the proposed relocations taken by itself must result in a higher allotment priority. Infinity has not cited any authority for this contention. On the contrary, in adopting the change of community rule, the Commission provided that "[w]e believe it is best to take into account the totality of the service improvements resulting from a proposed change in community of license when determining whether an allotment proposal should be approved. Therefore . . . we will decide the proposal on a case by case basis, based on whether or not the proposed changes,

¹⁴ The eight *Tuck* factors are (1) the extent to which the community residents work in the larger metropolitan area, rather than the specified community; (2) whether the smaller community has its own newspaper or other media that covers the community's local needs and interests; (3) whether community leaders and residents perceive the specified community as being an integral part of, or separate from, the larger metropolitan area; (4) whether the specified community has its own local government and elected officials; (5) whether the smaller community has its own telephone book provided by the local telephone company or zip code; (6) whether the community has its own commercial establishments, health facilities, and transportation systems; (7) the extent to which the specified community and the central city are part of the same advertising market; and (8) the extent to which the specified community relies on the larger metropolitan area for various municipal services such as police, fire protection, schools, and libraries. *Faye and Richard Tuck*, 3 FCC Rcd at 5378.

¹⁵ See, e.g., *Parker and Port St. Joe, Florida*, 11 FCC Rcd 1095 (1966); *Accord Jupiter and Hobe Sound, Florida*, 12 FCC Rcd 3570 (1997).

¹⁶ See Citicasters rulemaking petition at 5-11.

¹⁷ Although the Committee argues that one of the newspapers is printed in a plant in Columbus, we agree with Citicasters that the location of a newspaper's printing plant is irrelevant because it is published for and distributed to Dublin residents.

¹⁸ See *Anniston, Alabama, et al.*, 16 FCC Rcd 3411, 3413 (MMB 2001) (the fact that 16 percent of residents of College Park worked inside College Park is sufficient under *Tuck* factor one), *recon. denied*, 16 FCC Rcd 19857 (2001).

taken as a whole, would advance our allotment priorities.”²⁰

11. Applying this standard, we find that Criticasters’ proposed reallocations together constitute a preferential arrangement of allotments under our FM Allotment Priorities. Specifically, the reallocation of Station WMRN-FM would result in a first local service to Dublin (population 31,392), triggering Priority 3.²¹ By way of contrast, the retention of Stations WSRW-FM at Hillsboro and WMRN-FM at Marion would maintain second and third local services, respectively, in these communities, triggering less significant Priority 4. While the relocation of Station WSRW-FM to Chillicothe will leave Hillsboro (population 6,368) with a daytime-only AM station, this is permissible under applicable precedent because the reallocation to Dublin will provide a first local service under Priority 3.²² Further, the presence of a travelers’ information service station on the AM band in Dublin is not a local service for allotment purposes because it is a secondary service,²³ and the Commission does not consider the potential loss of service from a translator in allotment proceedings because they are also secondary services.²⁴

12. We do recognize that the downgrades and reallocations of Stations WMRN-FM and WSRW-FM will create some losses in areas and populations currently receiving service from these stations. Specifically, the downgrade and reallocation of Channel 295B from Marion to Channel 294B1 at Dublin will create a loss area encompassing 258,159 persons and a gain area encompassing 1,047,868 persons, for a net gain of 789,709 persons. The downgrade and reallocation of Channel 294B from Hillsboro to Channel 293A at Chillicothe will create a loss area encompassing 222,709 persons and a gain area of 70,707 persons, for a net loss of 152,002 persons. However, most of the loss areas are well served with five or more aural services. Further, while there will be small portions of the loss areas in which people will be reduced from five to four services and from four to three services, the services remaining in these loss areas are comparable to those of other relocations granted by the Commission.²⁵

Competitive Concerns

13. The Committee seeks to raise several issues regarding the effect of the relocation of Station WMRN-FM from Marion to Dublin on competition in the Columbus, Ohio, radio market. First, the Committee argues that the Dublin reallocation would violate a 1998 settlement agreement between Jacor Communications, Inc. (“Jacor”)²⁶ and the U.S. Department of Justice (“DOJ”). The Committee

²⁰ *Modification of FM and TV Authorizations to Specify a New Community of License*, 4 FCC Rcd 4870, 4873-74 (1989) (“*Change of Community R&O*”), *recon. granted in part*, 5 FCC Rcd 7394. (1990). See also *Corinth, Scotia, and Hudson Falls, New York*, 16 FCC Rcd 13305 (MMB 2001).

²¹ Channel 294B1 is allotted to Dublin at reference coordinates of 40-09-20 and 82-54-12. Channel 293A is allotted to Chillicothe, Ohio, at reference coordinates of 39-17-31 and 82-51-38.

²² See, e.g., *Ravenswood and Elizabeth, West Virginia*, 10 FCC Rcd 3181 (MMB 1995); and *Headland, Alabama, and Chattahoochee, Florida*, 10 FCC Rcd 10352 (MMB 1995).

²³ See 47 C.F.R. § 90.242(a)(3).

²⁴ See, e.g., *Willows and Dunnigan, California*, 15 FCC Rcd 23852, 23856-57 (MMB 2000).

²⁵ See, e.g., *Scappose and Tillamook, Oregon*, 15 FCC Rcd 10899 (MMB 2002) (4,312 persons left with four aural services, 2,461 persons with three aural services, and 19 persons with two aural services); and *Detroit Lakes and Barnesville, Minnesota*, 16 FCC Rcd 22581 (MMB 2001) (1,548 persons left with four aural services, 449 persons with three aural services, and 54 persons with two aural services), *recon. granted on other grounds*, 17 FCC Rcd 25055 (MMB 2002).

²⁶ Clear Channel acquired Jacor in 1999. Under the DOJ settlement, Jacor was permitted to acquire the radio stations owned by Nationwide Communications, Inc., provided that Jacor divested itself of eight radio stations, including five in the Columbus, Ohio, radio market. As a result of these divestitures, Jacor had five stations in the

(continued....)

contends that, when Clear Channel acquired Jacor in 1999, it did so subject to the 1998 settlement agreement between Jacor and the DOJ. The Committee appears to argue that the DOJ settlement would be violated by the relocation of Station WMRN-FM because, after taking into account two other relocations of Clear Channel Radio stations into the Columbus radio market,²⁷ Clear Channel would have a greater number of stations and a greater share of advertising revenues than was approved in the 1998 settlement. Second, although the Committee recognizes that Clear Channel is proposing to move its Station WMRN-FM into the Columbus radio market as opposed to acquiring an existing station in the market, the Committee believes that the reallocation to Dublin would violate the Clayton²⁸ and Sherman Antitrust Acts.²⁹ Third, the Committee contends that the Dublin move-in would create an undue concentration of broadcast revenues in the Columbus radio market.³⁰

14. After the record closed in this proceeding, the Committee filed a supplement to its comments, noting that on July 2, 2002, the Commission modified its multiple ownership rules for radio by leaving unchanged the number of stations that one company may own in a market but changing the definition of radio markets.³¹ When this change in market definition is taken into account, the Committee argues that Clear Channel may not own more than seven stations in the Columbus radio market,³² and that the relocation of Station WMRN-FM to Dublin would violate the rule by giving Clear Channel an eighth station in the market.

15. Because the new radio rules are now effective,³³ Citicasters contends in its supplement to comments that the issue of compliance should be considered at the licensing, as opposed to the allotment, stage. Citicasters adds that "[a]t that time, Clear Channel has the option of pledging to divest itself of one or more radio stations, if necessary, in order to comply with the applicable ownership rules."³⁴ In its

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Columbus market with a 38% share of the advertising revenues as opposed to owning nine stations with 58% of the advertising revenues.

²⁷ In *Marysville and Hilliard, Ohio*, 13 FCC Rcd 13300 (MMB 1998), Citicasters' Station WFJX (FM) was reallocated from Marysville to Hilliard, a community located within the Columbus, Ohio, Urbanized Area. Clear Channel also acquired Station WKKJ(FM), Chillicothe, Ohio, from Secret Communications II, LLC ("Secret"). At the request of Secret, Station WKKJ(FM) was reallocated from Chillicothe to Ashville, Ohio, which is also located within the Columbus Urbanized Area. See *Chillicothe and Ashville, Ohio*, 17 FCC Rcd 22410 (MB 2002), *recon. denied*, 18 FCC Rcd 22410 (MB 2003), *application for review pending*.

²⁸ 15 U.S.C. § 18 (1994).

²⁹ 15 U.S.C. § 1-7 (1994).

³⁰ In support of this contention, the Committee submitted a market revenue share report, asserting that with seven stations in the Columbus market, Clear Channel had a 36.6% share of the advertising revenues as of August 8, 2002. See Committee comments, Exhibit E.

³¹ In a market of 45 or more stations, a single company may own no more than eight radio stations, no more than five of which may be in the same service; in markets with between 30 and 44 stations, a single company may own up to seven stations, no more than four of which may be in the same service. See 47 C.F.R. § 73.3555(a)(1)(i) and (ii). Local radio markets are now defined by Arbitron radio markets as opposed to contour overlap; and noncommercial radio stations are now counted along with commercial stations. See 47 C.F.R. § 73.3555(a)(1)(i) and (ii).

³² According to the Committee, Clear channel currently owns four FM and three AM stations in the Columbus radio market, and the Columbus market has 43 radio stations.

³³ See *2002 Biennial Regulatory Review*, 18 FCC Rcd 13620 (2003), *aff'd in part and remanded in part*, *Prometheus Radio Project, et al. v. FCC*, 373 F.3d 372 (3d Cir. 2004), *stay modified on rehearing*, No. 03-3388 (3d Cir. Sept. 3, 2004).

³⁴ Citicasters supplement of September 5, 2003, at 3.

response, the Committee states that Clear Channel has not made a divestiture commitment.

16. The Committee's concentration of control and multiple ownership issues are prematurely raised. It is established policy not to consider such issues in conjunction with an allotment rulemaking proceeding.³⁵ Rather, any issue with respect to compliance with Section 73.3555 of the Rules will be considered in conjunction with the applications to implement the reallocation. As we have previously stated, this policy is intended "... to achieve an efficient and orderly transaction of both the rulemaking and the application process" and recognizes that "a rulemaking proceeding involves a technical and demographic analysis of competing proposals in the context of Section 307(b) of the Act."³⁶ Further, the Commission's *Ownership Report and Order* did not direct the staff to change this policy.³⁷ Consequently, the Committee's concentration and multiple ownership issues are not bases for denial of Citicasters' rulemaking petition.

Miscellaneous Matters and Ordering Clauses

17. The Commission will send a copy of this *Report and Order* in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, see 5 U.S.C. § 801(a)(1)(A).

18. Accordingly, pursuant to the authority found in Sections 4(i), 5(c)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b), and 0.283(b) of the Commission's rules, IT IS ORDERED, That effective May 9, 2005, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, IS AMENDED for the communities listed below as follows:

<u>Communities</u>	<u>Channel Number</u>
Chillicothe, Ohio	232B1, 293A
Dublin, Ohio	294B1
Hillsboro, Ohio	---
Marion, Ohio	232A

19. IT IS FURTHER ORDERED, That pursuant to Section 316 of the Communications Act of 1934, as amended, the licenses for the stations listed below ARE MODIFIED to specify operation on channels and/or communities listed below, subject to the following conditions:

<u>Station</u>	<u>Community</u>	<u>Channel</u>
WMRN-FM	Dublin, Ohio	294B1
WSRW-FM	Chillicothe, Ohio	293A

- (a) Within 90 days of the effective date of this *Order*, the licenses shall submit to the Commission minor change applications for construction permits (Form 301);
- (b) Upon grant of the construction permits, program tests may be conducted in

³⁵ See *Chillicothe and Ashville, Ohio*, *supra* note 26, 17 FCC Rcd at 22414, *app. for rev. pending*. See also, *Detroit Lakes and Barnesville, Minnesota, and Enderlin, North Dakota*, *supra* note 24, 17 FCC Rcd at 25059-60; and *Letter from Peter H. Doyle, Acting Chief, Audio Services Division, to Paul A. Cuelski, Esq. et al., File No. BAPH-20011101ABD (May 24, 2001)*.

³⁶ *Detroit Lakes and Barnesville, Minnesota, and Enderlin, North Dakota*, *supra* note 33, 17 FCC Rcd at 25059-60.

³⁷ *Chillicothe and Ashville, Ohio*, *supra* note 26, 17 FCC Rcd at 22414.

accordance with Section 73.1620 of the Commission's Rules;

- (c) Nothing contained herein shall be construed to authorize a change in transmitter location or to avoid the necessity of filing an environmental assessment pursuant to Section 1.1307 of the Commission's Rules.

20. Pursuant to Commission Rule Section 1.1104(1)(k) and (2)(k), any party seeking a change of community of license of an FM or television allotment or an upgrade of an existing FM allotment, if the request is granted, must submit a rulemaking fee when filing its application to implement the change in community of license and/or upgrade. As a result of this proceeding, the licensees of Stations WMRN-FM, Dublin, Ohio, and WSRW-FM, Chillicothe, Ohio, are required to submit rulemaking fees in addition to the fees required for the applications to effect the change in community of license and upgrade.

21. IT IS FURTHER ORDERED, That the rulemaking petition (RM-10557) filed jointly by Citicasters Licenses, Inc. and Citicasters Company IS GRANTED.

22. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

23. For further information concerning this proceeding, contact Andrew J. Rhodes, Audio Division, Media Bureau (202) 418-2180.

FEDERAL COMMUNICATIONS COMMISSION

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Media Bureau